



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

**UNITED STATES OF AMERICA**

**v.**

**CARL HEROLD,**

**Defendant.**

) Criminal No. 5:13-CR- 484 (GTS)  
)  
) **Indictment**  
)  
) Violation: 18 U.S.C. §2251(a):  
) Production of Child Pornography  
)  
) 10 Counts and Forfeiture Allegation  
)  
) Counties of Offense: Herkimer  
)

**THE GRAND JURY CHARGES:**

**COUNTS 1 to 10  
[Production of Child Pornography]**

From in or about August 2011, to in or about March 2013, the specific dates being unknown, in Herkimer County in the Northern District of New York, the defendant, **CARL HEROLD**, did knowingly use, persuade, induce, entice, and coerce a minor, to wit: V-1, a male child born in 2004 whose identity is known to the grand jury, to engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct, that is, the graphic image files and video files described below, knowing and having reason to know that each such visual depiction would be transported and transmitted using a means and facility of interstate and foreign commerce and in or affecting such commerce; where each visual depiction was produced and transmitted using materials that had been mailed, shipped, and transported in and affecting interstate and foreign commerce by any means, including by computer; and where each visual depiction was actually transported and transmitted using a means and facility of interstate and foreign commerce and in and affecting such commerce:

Count	Image or Video File Name
1	00014.mpg
2	000066_1.mp4
3	00000183.mp4
4	000262.mp4
5	g001.jpg
6	i003.jpg
7	y008.jpg
8	y010.jpg
9	y011.jpg
10	y012.jpg

All in violation of Title 18, United States Code, Section 2251(a).

### FORFEITURE ALLEGATION

The allegations contained in Counts 1 – 10 of this Indictment are hereby realleged and incorporated by reference herein for the purposes of alleging forfeiture pursuant to the provisions of Title 18, United States Code, Section 2253.

As a result of committing the offense alleged in Counts 1 – 10 of this Indictment, pursuant to 18 U.S.C. Section 2253(a) and upon conviction of the charges alleged in Counts 1 - 10, defendant **CARL HEROLD** shall forfeit to the United States: his interest in (1) any and all visual depictions violative of 18 U.S.C. §2251 and 2252A (incorporating the definition of child pornography in 18 U.S.C. § 256(8)) produced, transported, mailed, shipped or received in violation of Title 18, Chapter 110; and (2) any interest in any property, real or personal, used or intended to be used to commit or to promote commission of that offense.

If the property described above as being subject to forfeiture, as a result of any act or omission of the defendant-

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party,

- (c) has been placed beyond the jurisdiction of the court;
  - (d) has been substantially diminished in value; or
  - (e) has been commingled with other property which cannot be divided without difficulty,
- it is the intention of the United States, pursuant to Title 18, United States Code, Section 2253(b), (incorporating 21 U.S.C. 853(p)) to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

Dated: December 19, 2013

\*Name Redacted

A TRUE BILL



Grand Jury Foreperson

RICHARD S. HARTUNIAN  
United States Attorney

By:



Lisa M. Fletcher  
Assistant United States Attorney  
Bar Roll No. 510187